



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE**

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May 11, 2012
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Cocke
Commissioner Davis
Chair Garrett
Commissioner Hewitt
Commissioner Miller (Phone)
Commissioner Osborne
Commissioner Pierce (Phone)
Commissioner Pride (Phone)
Commissioner Starling
Commissioner Wiggins
Commissioner Wurzburg (Phone)

Commissioner's Absent:

Commissioner Blalock
Commissioner Jones
Commissioner McDaniel
Commissioner Walker

Staff Present:

Beverly Watts, Executive Director
Sabrina Hooper, Deputy Director
Shalini Rose, General Counsel
Richard Gadzekpo, Housing Coordinator
Marcus Thomas, Title VI Compliance Director
Lisa Lancaster, Executive Assistant
Susannah Taylor, Special Assistant

Guests:

Allen Staley, Shared Services Solutions
Matthew Stephenson, TN Human Rights Commission

Call to Order

Chair Garrett called the meeting to order at 9:05 a.m. CDT. Roll Call was taken. Minutes of the March meeting were reviewed. Commissioner Hewitt made a motion to accept. Commissioner Wiggins seconded the motion.

Executive Director's Report

Executive Director, Beverly Watts began her report by noting that there are currently no vacant positions at THRC and she introduced the newest employee, Susannah Taylor, her

special assistant who will give the Communication Report this morning. Chair Garrett presented a 5 year service award to Matthew Stephenson and acknowledged that Samelta Glenn, who was not present, would receive her 10 year service award.

Ms. Watts noted that THRC held an all employee meeting in the Nashville office on yesterday. She thanked Shay Rose and Marcus Thomas for accepting additional duties from October 2011 until March 2012 and also Shay Rose and Sabrina Hooper for putting together the All Staff Training meeting yesterday and the emphasis was on investigations. Thanks were also given to Shay Rose, Sabrina Hooper, Tracy Davidson, Samelta Glenn, Richard Gadzekpo and Susannah Taylor for assisting with the many events that were planned and attended during April Fair Housing Month and Lisa Lancaster for holding down the office operations.

Shay Rose was offered best wishes as she prepares to go out on maternity leave and announced that Commissioner Walker is the proud father of baby girl Giovanni Willow Walker who was born on Wednesday morning at 9:11 am and weighed 10 pounds.

Ms. Watts updated the activities of the legislature noting that bill 3405 died and thanked Commissioner Cocke and Starling for assisting with this bill introduced by Sen. Kelsey and Rep Dennis, which would have eliminated individual liability from the THRA. Governor Haslam let the bill to limit foreign born teachers in charter schools become law without signature. THRC did send a letter to the Governor urging him to veto the bill but he chose to let it become law without his signature.

There was a threat to our budget in the form of a bill introduced by Sen. Somerville out of Dickson which would have cut \$751,000 from our budget. The bill did not pass but we believe that threat could resurface. Senator Somerville also voted no on the THRC rules when they were before the Joint Government Operations Committee of which he is a member.

We will go before the Government Ops Committee on May 23, 2012 at 9:00 am to discuss the Audit Finding #4 which is the witness verification program issue. The follow up is to update the committee on our monitoring and random checking of witnesses to verify that they have been contacted during the investigation process. A report of the survey results were given to those present and emailed to those on the phone along with an explanation.

The number of surveys returned is low and the auditor raised this issue in their letter to the legislators. They want us to increase the number of surveys returned and Executive Director Watts noted that we could do the surveys before the case is closed but ultimately it is out of our hands due to the fact that we have no resources to make phone calls to the complainants and respondents. We will continue to look at options. We will talk with the Budget and Audit Committee before the May 23, 2012 meeting to talk about issues and provide our talking points.

Commissioner Pierce asked if there were comments regarding disagreements with the THRC decision? Ms. Watts explained that comments were made and were not included in this report. She noted July meeting report will include surveys comments for the year. She added that some suggestions might be emailing surveys or using survey monkey could help increase the numbers.

Executive Director Watts shared the Open Door Award presented to the Human Rights Commission by the April 4th Foundation in Memphis and those attending watched the final video about THRC that was shown at the presentation. Commissioner Cocke and Commissioner Pride along with Ms. Watts were present to accept the award.

Ms. Watts noted that our 50th Anniversary will be September 30, 2013 and that we will be planning some events that celebrate this accomplishment and would like suggestions from staff and commissioners for possible ways to promote this activity in local communities.

Please sign the conflict of interest statements and give them to Lisa Lancaster.

Allen Staley from Shared Services Solutions provided to those in attendance a Reversion report through March 31, 2012 from the Edison system. The top of the report is a summary of the expenditures and revenue for 2012 and shows \$2,478,800. Through March 31, 2012 the agency spent \$1,612,775.59 and based on this activity it is projected that we will spend \$2,176,000 which will cause us to be under budget by about \$300,000.

In the next section of the report shows the details of the expenditures breaking it down by personnel and operational costs and he noted that professional services third party includes items such as advertising, professional services contracts such as Paula Casey's contract and last years' employment law seminar. This category was over budget but overall we are okay.

We will review the budget for next year and possibly increase the amount for training in the upcoming budget request and reduce another category to offset this overage as training costs are essential for a successful organization. The data processing costs include some software upgrades which were responsible for this category being over budget.

In the last section shows the total appropriations shows state appropriated dollars and THRC receives \$1,717,200 for FY2012 and based on projections and federal revenues we anticipate \$1,592,916 being expended. This means that from a state dollar standpoint we will be under budget in the amount of \$124, 000 and our targeted reversion amount is \$100,000. So we should have no trouble meeting our required reversion.

This is contingent upon federal revenues received from cases processed. Overall I think that THRC continues to be fiscally responsible and in good shape moving forward. Commissioner Osborne noted that the new format of the report is easy to read and simple to understand.

Executive Director Watts added that our EEOC contract is lower than last year being at 338 cases and with respect to housing we have closed 82 cases which is down from last year when we closed over 100 cases. With our standard for 100 day mandate we are closing 72% of our cases which means we are receiving full payment for each case.

We kicked off our contract with National Community Reinvestment Coalition with a training event in Knoxville.

Commissioner Hewitt made a motion to accept the Executive Director's report and Commissioner Pride seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reported on the period March 1, 2012 to April 30, 2012 during which time 179 inquiries were received and 94 were accepted for investigation of which 83 were dual filed and 11 were THRC only. We closed 94 cases with an open charge age of 224 days and a closed charge age of 260 days. There were 6 successful mediations resulting in \$10,050 in monetary benefits and 3 settlements with non-monetary benefits.

In comparison to last year we received 121 inquiries which resulted in 93 charges and we closed 119 cases with an open charge age of 259 days and a closed charge age of 349 days. Also, that year there were 3 successful mediations resulting in \$17,500 in monetary benefits and 3 settlements with \$4,467 in benefits.

Our inquiries are up 47% but the number of charges accepted is about the same and cases closed are down slightly and can be attributed to the staff vacancy we discussed at the last meeting. Our April numbers are very strong and we expect to continue on that track. EEOC had a 13% across the board reduction; THRC's contract is 388 cases.

The all staff meeting held yesterday was a training that focused on increasing the number of cause cases and was led by four EEOC staff to include Paulette Wilson, our state and local coordinator, the area director and 2 staff members who talked about on-site strategies and sexual harassment training updates. During the breakout sessions in the afternoon I spoke about employment issues, Shay Rose spoke to housing about legal updates and Lisa Lancaster talked with customer service staff about policy and procedure issues.

At the July Board meeting David Berenbaum from the NCRC will be speaking to us about mortgage lending and identifying mortgage fraud. We will also invite several groups from the public to attend.

A motion to accept the Employment report was made by Commissioner Davis and seconded by Commissioner Starling. A vote was taken and passed.

Housing Case Report

The housing report was given by Housing Coordinator, Richard Gadzekpo whose report covered the period of March 1, 2012 to April 30, 2012 when 40 inquiries were received and 27 accepted as complaints and the first chart indicates what counties they were from. Disability, race and National Origin continue to be the top three bases for complaints filed. We closed 13 complaints and 3 of those were THRC only cases. The next chart indicates case age when cases were closed.

In mediations the benefits received by complainants for 2012 was \$990 in comparison to last year when \$19,550 was received and the difference was due to the nature of the complaints investigated.

Thanks to the investigators and legal division with regards to the HUD efficiency goal we are still on target to meet this goal as we have closed 73% of cases within the 100 day HUD requirement.

During May the housing coordinator and during July the deputy director Sabrina Hooper will attend NFHTA in Washington DC and Associate General Counsel, Rachel Appelt will complete an online course during the month of June. The new attorney will complete online training in June.

The 5th Annual Armed Forces Day Celebration in Morristown will be held on May 19th and we will have a booth to share information with attendees. THRC's partnership with NCRC will continue with a training event in the Nashville area in July and the next stage of the partnership is for NCRC to conduct an analysis of five major banks in the state and how they are working at investing called a Home Mortgage Disclosure Act (HMDA) analysis which will help us to see how banks are functioning so that when complaints are filed we will be able to look specifically at the issues that are being presented to us.

Executive Director noted that the report should be completed in June and information should be shared by David Berenbaum in July.

A motion to accept the housing report was made by Commissioner Starling and seconded by Commissioner Hewitt.

Legal Report

General Counsel, Shay Rose reported on the March 1, 2012 to April 30, 2012 time period during which we closed 94 employment cases, reviewed 15 investigative plans and completed 3 reconsiderations and in housing 10 cases were closed, one case caused and one reconsideration completed. Also four copy requests were reviewed.

Our copy request policy has changed slightly and so for employment cases we are more closely following the EEOC guidelines which means we are not granting copy requests until the cases are closed and this has reduced our copy requests numbers.

The rules went before the Government Operations Committee on Monday and passed and will go into effect on June 21, 2012. It was noted that Sen. Somerville voted against the changes. The legislature concluded on May 1, 2012 and was a very busy season where we monitored about 20 bills. Only one bill passed and that was SB3345 which puts a cap on teachers with work visas for charter schools cannot hire more than 3.5% of the total number of teachers. We found this to be a possible violation of Title VI and Title VII and the Governor did not sign it but allowed it to become law so we anticipate additional legislation in the upcoming session.

SB3405 would have directly affected THRC and it did not pass. It would have removed individual liability from supervisors or agents and was very close to passing. It almost passed in the Senate but then was taken off notice in the House and Sen. Kelsey decided not to go forward with it.

The legal division was busy during Fair Housing Month in April which included travel to Chattanooga for the city's Office of Multi-Cultural Affairs event and a CLE event for state attorneys. We also attended the Fair Housing Matters Conference on April 3, 2012.

Planning is underway for the June 21, 2012 Employment Law Seminar. Invitations were extended to all Commissioners. Please contact Susannah Taylor to attend.

The cause case update of the employment case of the African American corrections officer that was fired for having a bad attitude has been scheduled for a hearing with ALJ Ann Johnson and we have a pre-trial conference coming up and it will be set trial sometime in the fall.

In housing the two cases are set for hearing on Friday, May 18, 2012 with ALJ Steve Darnell. The landlord did not want to rent to Chinese people because they stir fry and make the apartment dirty.

The third case was caused on May 9, 2012 failure to grant a reasonable accommodation due to a disability and the tenants have a terminal child in a wheelchair. They asked for a ramp to get the child in the house and landlord was okay with it until it was to be put on the front of the house because other obstacles prevented it from being put in the back. The people have moved to another location. We will attempt to mediate this case.

Commissioner Osborne made a motion to accept the legal report. Commissioner Hewitt seconded the motion.

Outreach & Education

Special Assistant, Susannah Taylor gave the Communications report. It was noted that Fair Housing month in April was a busy time for all. We have reached 3,517 people through the 22 education and outreach events that included 14 speaking events and 2 exhibits and attended 9 Outreach events for the reporting period. THRC staff were in Nashville, Memphis, Morristown, Knoxville, Chattanooga and Crossville where they attended Fair Housing events.

In Chattanooga a Fair Housing event was hosted by the City of Chattanooga Office of Multi-Cultural Affairs attended by 159 people. THRC staff included General Counsel, Shay Rose, Housing Coordinator, Richard Gadzekpo, Deputy Director, Sabrina Hooper, Special Assistant, Susannah Taylor and Associate General Counsel, Rachel Appelt and Housing and Employment investigator, Barbara Gardner.

In Memphis we co-hosted the West Tennessee Fair Housing Celebration which was attended by Executive Director Watts, Deputy Director Hooper, Samelta Glenn, Susannah Taylor and Paula Casey and speakers include Bryan Green from HUD, TN Attorney General Robert Cooper and Mayor AC Wharton. There were 127 people in attendance and CLE credits were available to those attending. Partnering agencies were Shelby County Department of Housing, HUD, West Tennessee Legal Services, City of Memphis Housing and Community development and the Memphis Center for Independent Living and work on this event for next year has already begun.

Frank Guzman was on the "Puntos de Interes" Radio Show for an hour and a half on March 25, 2012 sharing the role of the agency and taking calls from listeners.

On April 30, 2012 seven THRC staff members participated in training from the National Community Reinvestment Coalition on Fair lending abuse and Mortgage fraud which was

held in Knoxville. After that there were two days of training open to the public which included about 20 participants and there was no charge for the event. It was noted that additional training with this same format will be held in Nashville during the second week of October which will be in conjunction with the Governor's Housing Conference. More details will be shared as they become available.

On April 28, 2012 Executive Director Watts spoke at the Marshall County Freedom Fund Banquet in Lewisburg to a group of 125 attendees. The Marshall County NAACP has been a great resource in the planning of the Columbia Roundtable that is planned for May 22, 2012. A great article was published in the Marshall County Tribune written by Clint Confehr following this event.

Paula Casey wrote and released three press releases including the Columbia Roundtable, the West TN Fair Housing Celebration and the appointment of Director Watts to the National Neighbors Advisory Council which ran in the Tennessean and the Memphis Commercial Appeal.

Commissioner Pat Pierce also wrote an article addressing the Pay gap between genders that ran in the Knoxville News Sentinel on April 19, 2012.

The Columbia Roundtable will be held on May 22, 2012 at the Columbia State College and the Employment Law Seminar will be June 21, 2012 at One Century Place. The agenda for the ELS includes Victoria Lipnic, EEOC Commissioner is the keynote speaker, there will be panels on recent trends in employment complaints from Sabrina Hooper, Danielle Barnes, General Counsel for Department of Human Resources, and Katharine Kores from Memphis District office of the EEOC. Topics include Religious discrimination and accommodations, social media in the workplace, mediation techniques and updates to the law. All are invited and urged to attend both events.

Director Watts noted that Commissioner's will receive reminder emails from staff and the deadline for registration for ELS is June 15, 2012. She also noted that the SHRM event in Murfreesboro was held on April 24, 2012 was left off the list of events in error. She also noted that Susannah came on board on March 26, 2012 and thanked her for her hard work since she arrived.

Commissioner Davis made a motion to accept the Communications report. Commissioner Osborne seconded the motion.

Title VI Compliance Report

Marcus Thomas, Title VI Compliance Program Director reported on the time frame of March 1, 2012 to April 30, 2012 noting that the annual Title VI Training and update event will take place on July 12, 2012 in the Multi Media room at the TN Towers and the save the date will be sent out soon to Title VI Coordinators, and Executive level department heads and to all THRC commissioners.

A summary of the Implementation Plan Review Finding was passed out to all attendees, which indicates that, to date, 41 of 42 notices of final findings have been issued and the final one will be sent out by Monday. There will be a ten day period during which some of

the more recently issued notices of final findings to departments may correct a finding that has been issued.

Onsite compliance reviews with TWRA were conducted on April 17, 18 and 19, 2012 and the report should be completed by the end of the month. A return onsite will be used as a wrap up to the process.

The review for Department of Corrections is still in progress and the onsite at Riverbend was conducted on May 3, 2012 and should also be completed by the end of the month.

We are wrapping up the investigation of the TN Arts Commission complaint alleging discrimination in funding and grants review process on the basis of race. The final findings are under review. When this is completed a letter will be sent to the complainant and a discussion will take place with the TN Arts Commission regarding the findings of the investigation.

During the time period we received 66 inquiries and 8 complaints were filed and referred to the proper agency for investigation and we continue to monitor their progress. Five cases were closed in the period. For our year to date totals we have received 334 inquiries with 55 being accepted as complaints and 15 cases closed leaving an inventory of 47 complaints.

A motion to accept the Title VI report was made by Commissioner Osborne and seconded by Commissioner Garrett. A vote was taken and passed.

Announcements

Chair Garrett announced that the next board meeting will be on July 20, 2012.

Commissioner Miller asked about a fax feed that could be included in her church newsletter and the deadline is June 1, 2012. Executive Director Watts will get something out to her in the next week.

Chair Garrett adjourned the meeting at 10:04 a.m.